

**THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: §
§
FREE SPEECH SYSTEMS, LLC, § **Case No. 22-60043**
§
DEBTOR. § **Chapter 11 (Subchapter V)**
§

**DESIGNATION OF RECORD ON APPEAL AND
STATEMENT OF ISSUES ON APPEAL**

W. Marc Schwartz and Schwartz Associates LLC (collectively “Schwartz” or “Appellant”), pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, files this Designation of Record on Appeal and Statement of Issues on Appeal, as follows:

DESIGNATION OF RECORD

1. All pleadings, motions, exhibits, orders, transcripts, documents, and other matters on the docket sheet through and including September 20, 2022 [Dkt. Nos. 1-183] from Bankruptcy Case No. 22-60043 (the “Bankruptcy Case”).
2. All exhibits admitted at hearings and trials in the Bankruptcy Case through and including September 20, 2022.
3. The transcripts for the hearings in the Bankruptcy Case on (a) August 1, 2022; (b) August 3, 2022; (c) August 12, 2022; (d) August 24, 2022; (e) August 29, 2022; (f) September 13, 2022; and (g) September 20, 2022.

STATEMENT OF ISSUES ON APPEAL

1. Did the U.S. Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”) err in entering the Order Denying Debtor’s Application to Employ Schwartz (the “Order Denying the Schwartz Employment Application”)?

2. Was the Bankruptcy Court's ruling reflected in the Order Denying the Schwartz Employment Application based on one or more clearly erroneous findings of fact?

3. Was the Bankruptcy Court's ruling reflected in the Order Denying the Schwartz Employment Application based on one or more erroneous legal conclusions?

4. Was the Bankruptcy Court's ruling reflected in the Order Denying the Schwartz Application to Employ based on one or more erroneous applications of the law to the facts?

Dated: February 16, 2023

Respectfully submitted,
KANE RUSSELL COLEMAN & LOGAN PC

By: /s/ Michael P. Ridulfo
Michael P. Ridulfo
State Bar No. 16902020
Federal Bar No. 27086
5151 San Felipe, Suite 800
Houston, Texas 77056
(713) 425-7400
(713) 425-7700 (fax)
E-mail: mridulfo@krcl.com
Attorney for W. Marc Schwartz and
Schwartz Associates, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the parties listed below via the Court's CM/ECF system on all parties registered to receive such service in the above-captioned case and via U.S.P.S. first class mail on the following parties:

Ha Nguyen
Office of the United States Trustee
515 Rusk Street, Suite 3516
Houston, TX 77002
Counsel to the U.S. Trustee

Avi Moshenberg
McDowell Hetherington LLP
1001 Fannin Street, Suite 2700
Houston, Texas 77002
Counsel to the Texas Plaintiffs

Jarrod B. Martin
Chamberlain, Hrdlicka, White, Williams, & Aughtry,
PC
1200 Smith Street, Suite 1400
Houston, Texas 77002
Counsel to the Texas Plaintiffs

Jennifer J. Hardy
Willkie Farr & Gallagher LLP
600 Travis Street
Houston, Texas 77002
Counsel to the Texas Plaintiffs

Ryan Chapple
Cain & Skarnulis PLLC
303 Colorado Street, Suite 2850
Austin, Texas 78701
Counsel to the Connecticut Plaintiffs

Christopher Hopkins
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, NY 10019
Counsel to the Connecticut Plaintiffs

Raymond W. Battaglia
Law Office of Raymond W. Battaglia
66 Granburg Circle
San Antonio, Texas 78218
Counsel to the Debtor

Elizabeth C. Freeman
The Law Office of Liz Freeman
PO Box 61209
700 Smith Street
Houston, TX 77208-1209
Counsel to the Subchapter V Trustee

Vickie L. Driver
Crowe & Dunlevy, P.C.
2525 McKinnon St., Suite 425
Dallas, TX 75201
Counsel to Alexander E. Jones

Shelby A. Jordan
Jordan & Ortiz, P.C.
500 North Shoreline Blvd., Suite 900
Corpus Christi, TX 78401
Counsel to Alexander E. Jones

/s/ Michael P. Ridulfo

Michael P. Ridulfo